

AGENDA

BOTHELL PLANNING COMMISSION

Bothell City Hall, 18415 101st Avenue NE

Wednesday, June 21, 2017, 6:00 PM

1. CALL TO ORDER

2. NON-AGENDA PUBLIC COMMENTS

A chance for members of the audience to address the Commission on a topic not on this evening's Agenda. Please limit comments to 3 minutes per speaker.

3. APPROVAL OF MINUTES

February 22, 2017

March 22, 2017

April 19, 2017

April 26, 2017

4. NEW BUSINESS

5. PUBLIC HEARING

1. A proposed Code amendment that would make approval of a Final Plat an administrative process

Under current Code construction, a Final Plat is approved by the Hearing Examiner as a closed record hearing (Type IVB) and is approved by the Hearing Examiner. A Final Plat is basically a checklist that identifies whether required plat items have been satisfactorily completed. Most jurisdictions process a Final Plat in an administrative process.

2. Plan amendments to address comments received from the Puget Sound Regional Council (PSRC) regarding the 2015 Periodic Comprehensive Plan Update.

PSRC identified a number of non-critical amendments needed to various Elements of the Comprehensive Plan. The potential Plan amendments involve the Land Use, Housing, and Transportation Elements of the Plan

Supplemental information will be provided on this topic on Tuesday June 20, 2017. Please check for Updates at: <http://www.bothellwa.gov/1127/Active-Comprehensive-Plan-and-Code-Amend>

6. STUDY SESSION

None

7. OLD BUSINESS

8. REPORTS FROM STAFF

9. REPORTS FROM MEMBERS

10. ADJOURNMENT

Minutes

BOTHELL PLANNING COMMISSION

REGULAR MEETING - February 22, 2017

COMMISSIONERS PRESENT: David Vliet, Eric Clarke, Blake Stedman, Roger Cecil, Jeanne Zornes and Jason Hampton

COMMISSIONERS ABSENT AND EXCUSED: Patrick Cabe

STAFF PRESENT: Community Development Director Tom Burdett, Senior Planner Bruce Blackburn and Planner Kris Sorensen

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet, on February 22, 2017, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

APPROVAL OF MINUTES: None

PUBLIC TESTIMONY:

(See video recording on City of Bothell website for detailed testimony).

Andy Langsford, Venture Real Estate Group, Kenmore, Washington

Martha Schmidt, 15 243rd Place SE, Bothell, Washington

Jerry Woodrup, Murray Franklyn

Mike Hughes, Bothell Resident

PUBLIC HEARING:

Chair Vliet opened the second Public Hearing regarding Code Amendments for a Clustering Mechanism. Vliet introduced Bruce Blackburn.

Blackburn shared a brief presentation on the Code Amendments for a Clustering Mechanism.

Discussion ensued.

PUBLIC TESTIMONY:

(See video recording on City of Bothell website for detailed testimony).

Mike Hughes, Bothell Resident

Jerry Woodrup, Murray Franklyn

Andy Langsford, Venture Real Estate Group, Kenmore, Washington

James Olson, Bothell Resident

A MOTION WAS MADE TO CONTINUE THE PUBLIC HEARING REGARDING CODE AMENDMENTS FOR A CLUSTERING MECHANISM TO MARCH 22, 2017. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

OLD BUSINESS: None

REPORTS FROM STAFF: None

REPORTS FROM MEMBERS: Blackburn reported next meeting will be a joint Study Session with City Council regarding the 2017 docket.

ADJOURNMENT:

A MOTION WAS MADE TO ADJOURN. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

The meeting was adjourned at 8:52 p.m.

Patrick Cabe, Secretary

BOTHELL PLANNING COMMISSION

REGULAR MEETING - March 22, 2017

COMMISSIONERS PRESENT: David Vliet, Patrick Cabe, Blake Stedman, Eric Clarke, Roger Cecil, Jeanne Zornes and Jason Hampton

COMMISSIONERS ABSENT AND EXCUSED: None

STAFF PRESENT: Senior Planner Bruce Blackburn

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet, on March 22, 2017, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

APPROVAL OF MINUTES: None

PUBLIC HEARING:

Chair Vliet opened the third Public Hearing Regarding Code amendments to implement a Clustering Mechanism within the Bothell Municipal Code. Vliet introduced Bruce Blackburn.

Blackburn shared a brief presentation on the Code amendments to implement a Clustering Mechanism within the Bothell Municipal Code.

Discussion ensued.

PUBLIC TESTIMONY:

(See video recording on City of Bothell website for detailed testimony).

Shawna Madden, Bothell Resident

A MOTION WAS MADE CONTINUE THE PUBLIC HEARING ON A CODE AMENDMENT TO IMPLEMENT A CLUSTERING MECHANISM AND REVISE THE TREE RETENTION REGULATIONS TO APRIL 19, 2017. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.

OLD BUSINESS: None

REPORTS FROM STAFF:

Blackburn reported Council adopted the 2017 Docket and Work Program at last night's Council meeting.

Blackburn thanked Commissioner Stedman who 'retires' at the end of March for his service on the Planning Commission.

REPORTS FROM MEMBERS: None

ADJOURNMENT:

<p>A MOTION WAS MADE TO ADJOURN. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.</p>

The meeting was adjourned at 8:56 p.m.

Patrick Cabe, Secretary

BOTHELL PLANNING COMMISSION

REGULAR MEETING - April 19, 2017

COMMISSIONERS PRESENT: David Vliet, Patrick Cabe, Eric Clarke, Roger Cecil, Jeanne Zornes and David Wickwire

COMMISSIONERS ABSENT AND EXCUSED: Jason Hampton

STAFF PRESENT: Senior Planner Bruce Blackburn

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet, on April 19, 2017, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

APPROVAL OF MINUTES: None

PUBLIC HEARING:

Chair Vliet opened the fourth Public Hearing Regarding Code amendments to implement a Clustering Mechanism within the Bothell Municipal Code. Vliet introduced Bruce Blackburn.

Blackburn recommended continuing the meeting to May 3, 2017 due to lack of video recording services.

<p>A MOTION WAS MADE CONTINUE THE PUBLIC HEARING ON A CODE AMENDMENT TO IMPLEMENT A CLUSTERING MECHANISM AND REVISE THE TREE RETENTION REGULATIONS TO MAY 3, 2017. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.</p>

OLD BUSINESS: None

REPORTS FROM STAFF: None

REPORTS FROM MEMBERS: None

ADJOURNMENT:

<p>A MOTION WAS MADE TO ADJOURN. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.</p>

The meeting was adjourned at 6:10 p.m.

Patrick Cabe, Secretary

BOTHELL PLANNING COMMISSION

REGULAR MEETING - April 26, 2017

COMMISSIONERS PRESENT: David Vliet, Eric Clarke, Roger Cecil, Jeanne Zornes and Jason Hampton

COMMISSIONERS ABSENT AND EXCUSED: Patrick Cabe and David Wickwire

STAFF PRESENT: Senior Planner Dave Boyd, and Arthur Sullivan & Mike Stanger with A Regional Coalition for Housing (ARCH)

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet April 26, 2017, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

APPROVAL OF MINUTES: None

STUDY SESSION:

Chair Vliet opened the continued Study Session review of the Housing Strategy update. Vliet introduced Dave Boyd.

Boyd introduced Arthur Sullivan and Mike Stanger with ARCH and welcomed panel of industry professionals. Panel representatives included Fred Safstrom, Chief Executive Officer for Housing Hope; Aaron Hollingbery, Vice President of Land Entitlements for Toll Brothers; Kristen Cane, Director of Development and Policy for the Housing Authority of Snohomish County; Jean-Paul Grenier, Vice President of Operations for US activities with Woodbridge NW; Beth Dwyer, Director of Campus Environments and Principal at GGLO Design Firm; and Nikki Bailey, Regional Property Manager for Pinnacle Property Management.

Stanger shared introductory comments regarding updating the Bothell Housing Strategy. Stanger and Sullivan invited panelist to share their comments.

Discussion ensued.

OLD BUSINESS: None

REPORTS FROM STAFF:

Boyd reported the next meeting regarding Housing Strategy is tentatively scheduled for May 17th. He also noted that May has 4 Planning Commission meetings scheduled at this time.

REPORTS FROM MEMBERS: None

ADJOURNMENT:

<p>A MOTION WAS MADE TO ADJOURN. THE MOTION WAS SECONDED AND PASSED WITH ALL PRESENT IN FAVOR.</p>

The meeting was adjourned at 8:09 p.m.

Patrick Cabe, Secretary

**Public Hearing
Final Plats as an administrative
process**

MEMORANDUM

Community Development



City of Bothell

DATE: June 21, 2017

TO: Planning Commission

FROM: Bruce Blackburn, Senior Planner

SUBJECT: First Public Hearing Regarding a potential Code amendment to make approval of a Final Plat an administrative function

First Public Hearing Regarding Plan amendments to address Puget Sound Regional Council (PSRC) recommendations for further work on the 2015 Periodic Update Study Session on

Attachments - Final Plat Study Session

1. Draft Planning Commission Findings, Conclusions and Recommendation
2. Draft Code amendments regarding BMC Chapters 11.04, 11.14, 11.19, and 15.10
3. Hearing Examiner Decision on a typical Final Plat (Hopkins Garden)

Attachments - PSRC Study Session

1. Letter from PSRC dated October 29, 2015
2. Matrix of PSRC Comments with preliminary Staff responses

Introduction

The purpose of this memorandum is to:

- Provide Draft Code amendments and draft Planning Commission Findings, Conclusions and Recommendation regarding a Development Services Initiative (DSI) improvement regarding the processing of Final Plats
- Provide information to the Commission regarding the PSRC comments regarding PSRC-identified further work on the 2015 Periodic Plan.

PSRC comments and identified areas needing further work

Due to other work assignments which required greater time than originally scheduled, Staff was not able to complete its work on this topic in time for the Thursday noon deadline for the packet. In lieu of issuing a 'late' packet Friday evening, Staff has chosen, instead, to issue a supplemental packet on or before noon on Tuesday June 20, 2017.

Please visit the Planning Division's new web page at:

<http://www.bothellwa.gov/1127/Active-Comprehensive-Plan-and-Code-Amend>

Thank you

Proposed Code Amendments Regarding Final Plats Becoming an Administrative Approval

Draft Planning Commission Findings, Conclusions and Recommendation

Findings

1. **History.** This item was initiated by City Council on March 21, 2017 as part of the 2017 Docket of Plan and Code Amendments. The purpose of this Code amendment is to assist in the City's effort to streamline its permitting and application processing known as the Development Services Initiative (DSI). The DSI effort seeks efficiencies in the development review process.
2. **Geographic Location.** The proposed code amendments would apply City-wide.
4. **Proposed Action.** The proposed code amendments would change the approval of the final plat from a Type IVB process requiring action by the Hearing Examiner to a Type I process requiring approval by the Public Works Director. An aggrieved party would have the option of filing an appeal with the City's Hearing Examiner.
5. **Public Meetings.** The Planning Commission held a public hearing on the proposed Code amendments on June 21, 2017.
6. **Public Notice.** Public notice for the proposed code amendments was provided through the following methods:
 - a. *Imagine Bothell...* notice. The City of Bothell provides a monthly notice to citizens, interested parties and news media which, in general, describes upcoming hearings, the topics of those hearings, and explains potential ramifications of decisions which may occur from actions of the City. This notice is provided at the end of the month for the subsequent month's hearing schedule. The *Imagine Bothell...* notice also contains information which directs inquiries to city staff, the City web page, and telephone contact numbers.

Notice of the public hearing dates for the proposed code amendment was published in the June 2017 edition of the *Imagine Bothell...* notice.
 - b. The *Imagine Bothell...* notice is sent via e-mail and/or regular U.S. Postal Service mail to all parties who have signed up for the service.
 - c. The *Imagine Bothell...* notice is published in the City's Newspaper of Record.

- d. The *Imagine Bothell...* notice is also posted on the City's web page at www.ci.bothell.wa.us.
- e. The City maintains a number of public notice boards which are placed throughout the City at certain accessible and visible locations. Each of these notice boards contains a plastic box where extra copies of the *Imagine Bothell...* notice are stored and are available for retrieval by any interested citizen. These boxes are filled with paper copies of the notice each month.
- f. The *Imagine Bothell...* notice is also publicly posted at City Hall, the Dawson Building, Municipal Court Building, and the Bothell Post Office.

Specific Planning Commission Findings.

- 7. The Planning Commission makes the following specific findings regarding the proposed Code amendments. These findings are based upon any public testimony the Planning Commission receives during the public hearing, information provided to the Planning Commission by staff, and Planning Commission deliberations.
- 8. Final Plats are the last action the City takes when approving a subdivision. With that approval, the plat documents (Map and CC&Rs) are formally recorded with the appropriate County Assessor's office thereby legally creating 'fee simple lots' which can then be bought and sold. A final plat must be approved prior to lots being conveyed, pursuant to RCW 58.17.200.
- 9. Under the current regulations of BMC 11.04.003 a final plat is processed as a Type IVB application (the only Type IVB action) which requires review and approval by the City's Hearing Examiner. A Type IVB action is a 'closed record' review which does not allow 'new' evidence or information to be submitted. A closed record review is essentially an evaluation of the established record and exhibits (facts and evidence) that were disclosed during the Preliminary Subdivision Hearing which is the City's one open record public hearing. As a reminder, the City is limited by State Law (RCW 36.70B.060(3)) to one open record hearing and one closed record appeal of a development application.
- 10. Once a Preliminary Subdivision or Preliminary Plat (P-Plat) is approved by the Hearing Examiner, after a public hearing (a Type III action), the developer submits for construction level applications such as, grading, utilities, and right-of-way permits. These permits require final engineering plans and documents that describe and detail the improvements (roads, sidewalks, utilities, landscaping, stormwater facilities) needed to support the lots as approved during the preliminary subdivision process. The improvements are constructed, inspected and accepted (or rejected and corrected) by the City's Public Works Departments' engineers, inspectors and technicians.
- 11. Upon satisfactory completion and City acceptance of all infrastructure improvements needed to support the subdivision and the submittal of all documents (CC&Rs, final surveying, dedication documents, etc.) the City currently schedules a Type IVB final plat 'closed record' review before the Hearing Examiner.

12. BMC 11.04.003(B) establishes that the Final Plat Type IVB process include a Notice of Application (NOA) which is posted on the site, published in the Newspaper of record, sent to parties of record, and sent to property addresses within 500 feet of the site. The NOA for the Final plat is often the fourth notice (the first three notices are: 1) P-Plat NOA; 2) P-Plat SEPA Determination; and 3) Notice of open record public hearing date for the preliminary plat) parties receive regarding the same project. Further, because the Final Plat is required to be a closed record review this process becomes confusing to citizens who may wish to provide testimony on the development, but must be politely told by the Hearing Examiner that their testimony is not relevant and cannot lawfully be considered.
13. Processing a Type IVB closed record decision before the Hearing Examiner requires considerable work on the part of development review staff who must prepare notification documents, a staff report, and respond to interested citizen inquiries on a project that is already approved, vested, and has been or is being constructed. Further, the applicant bears the costs (staff time, Examiner time, noticing, etc.) of this additional process.

Such additional work is not efficient and has become an administrative burden.

14. **Consistency with *Imagine Bothell...* Comprehensive Plan Policies.**

The *Imagine Bothell...* Comprehensive Plan the following Goals and Policies which directly support the proposed Code amendments:

ED-P22 Ensure that City licensing and permitting practices and procedures are consistent and expeditious. Where specialized industry requirements call for inspections by other government agencies, coordinate with those agencies to strive for consistency and minimize duplication of efforts.

15. **Department of Commerce Review.**

The proposed Code amendments are exempt from Department of Commerce review pursuant to RCW 36.70A.030(7).

16. **State Environmental Policy Act (SEPA) Review.**

The proposed Code amendments are categorically exempt from SEPA review, pursuant to WAC 197-11-800(19).

17. **List of Exhibits.**

No exhibits were submitted to the Planning Commission during the public hearing.

Conclusions

1. The proposed code amendments have been drafted, noticed, reviewed by the public and considered by the Planning Commission in accordance with all applicable laws of the State of Washington and the City of Bothell.
2. The proposed code amendments are necessary to improve the processing of subdivisions and remove a confusing and cumbersome process for staff, applicants and residents.
3. The proposed code amendments are in the best interest of the public health, safety and welfare.

Recommendation

Based upon these findings and conclusions, the Planning Commission recommends the City Council adopt the proposed Code amendments which is Exhibit A to these Findings, Conclusions and Recommendations.

David Vliet, Planning Commission Chair

Legal Review of proposed amendments: Paul Byrne, City Attorney

Note: New language is shown as highlighted underline and deleted language is shown as ~~highlighted strikethrough~~

Chapter 11.02 DEFINITIONS

Note: Provided for reference only – no amendments proposed

Sections:

[11.02.001](#) Construction.

11.02.080 “P”

“Plat, final” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter [58.17](#) RCW and BMC Title [15](#).

“Plat, preliminary” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of Chapter [58.17](#) RCW and BMC Title [15](#). The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

“Plat, short” means the map or representation of a short subdivision.

Chapter 11.04 TYPES OF PROJECT PERMIT APPLICATIONS

Sections:

[11.04.001](#) Procedures for processing project permits.

[11.04.002](#) Determination of proper procedure type.

[11.04.003](#) Project permit application framework.

[11.04.004](#) Joint public hearings.

[11.04.005](#) Legislative decisions.

[11.04.006](#) Legislative enactments not restricted.

[11.04.007](#) Exemptions from project permit application processing.

[11.04.008](#) Administrative interpretations.

[11.04.010](#) Vesting of development rights.

[11.04.011](#) Transition period for proposed but nonvested projects within the downtown subarea.

11.04.001 Procedures for processing project permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV (A and B). Legislative decisions are Type V actions, and are addressed in BMC [11.04.005](#). Exclusions from the requirements of project permit application processing are contained in BMC [11.04.007](#).

11.04.002 Determination of proper procedure type.

A. Determination by Director. The community development director shall determine the proper procedure type for all project permit applications. If there is a question as to the appropriate procedure type, the community development director shall resolve it in favor of the higher procedure type number. The act of classifying an application for procedure type shall be a Type I

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action; and subject to reconsideration and appeal at the same time and in the same way as the merits of the project permit application in question.

B. Optional Consolidated Permit Review Processing.

1. Unless otherwise required, where the city must approve more than one project permit application for a given development, the applicant may submit the applications for review under a single permit processing review procedure (“consolidated permit review”). The consolidated permit review process can be used with the submission of two or more applications, at any time prior to the holding of a public hearing on any of the associated applications. The permit processing issue date, as required by BMC [11.10.002\(C\)](#), shall not commence until the last required land use permit has been deemed complete. The applications (1) shall be reviewed and processed under the highest-numbered procedure type that applies to any of the applications; and (2) the determination of completeness (BMC [11.06.003](#)); notice of application (BMC [11.06.004](#)); and notice of final decision (BMC [11.12.007](#)) shall include all project permits being reviewed through the consolidated review process. For example: If the applications included a critical areas permit (Type II), a shoreline permit (Type II) and a conditional use permit (Type III) then the project would be processed as a Type III which would require that all of the permits would be submitted to the hearing examiner for an open record public hearing and the hearing examiner would make the decision on all of the permits.
2. Applications processed in accordance with this subsection which have the same highest-numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s) applicable to such applications. Decision bodies in order of ranking are as follows: the city council is the highest, followed by the planning commission, hearing examiner, or shoreline board as applicable, and then the community development director or public works director; provided, in the event that the applications would be heard by the planning commission and the planning commission is not otherwise authorized by this code to hear or determine one or more of the project permit applications, the city council shall determine whether or not to act as the hearing body or assign the applications to a hearing examiner. Joint public hearings with other agencies shall be processed according to BMC [11.04.004](#).

11.04.003 Project permit application framework.

A. Table of Land Use Actions Arranged by Type (Exempt, Types I, II, III, IVA, IVB and V), Indicating Hearing Body Where Appropriate.

Exempt (per BMC 11.04.007)	Type I	Type II	Type III	Type IVA	Type IVB	Type V
Landmark designations Street vacations under Chapter 35.79 RCW Street use permits, public area use permits, and other approvals relating to the use of public areas Other project permits determined by the council to present special	Forest practices/land clearing permits w/o SEPA review Grading permits w/o SEPA review Building permits w/o SEPA review Right-of-way invasion permits w/o SEPA Utility permits (includes: sewer connection, side storm sewer connection, water meter, and hydrant use)	Short subdivision (HE if appealed) General binding site plan (HE if appealed) Building permits w/SEPA review (HE if appealed) Shoreline substantial development permits (HE* if appealed) Critical areas alteration permits (HE if appealed)	Variance (HE) Conditional use permit (HE*) Shoreline conditional use permit and shoreline variance (HE*) Appeals of administrative interpretations# Preliminary subdivision (HE*) Plat vacations and alterations (HE*) Preliminary PUD (HE*) Minor and major modifications to an	Site rezone (PC)	Final plat (HE considers in closed record review)	Comp. plan amendments (PC; CC optional) Development regulations and amendments thereto (PC; CC optional) Area-wide rezone (PC; CC optional) Annexations (CC)

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Exempt (per BMC 11.04.007)	Type I	Type II	Type III	Type IVA	Type IVB	Type V
circumstances warranting a different review process	Tenant improvement permits Temporary occupancy permits for commercial and multiple-family building Boundary line adjustments (HE if appealed) Sign permits Personal wireless service permits (PWS) with noticing as required under BMC 12.11.050 Final certificates of occupancy Minor modifications to final PUD Administrative interpretations# Minor modifications to approved CUPs Demolition permits Final Plats	Reasonable use requests (HE if appealed) Final binding site plan (HE if appealed) Grading permits w/SEPA review (HE if appealed) Forest practices/land clearing permits w/SEPA review (HE if appealed) Right-of-way invasion permits w/SEPA review (HE if appealed) Zoning special exception Approval of a project within the campus district that is consistent with the campus master plan and development agreement (HE if appealed)	approved preliminary PUD (minor modifications to be included in final PUD application; major modifications require reprocessing as a preliminary PUD) (HE*) Final PUD (HE*) Major modifications to an approved final PUD (HE*)			
Abbreviations for Hearing Body: CC: City Council HE: Hearing Examiner PC: Planning Commission SB: Shorelines Board # May be appealed, see BMC 11.04.008 * Unless delegated by the council to the planning commission or shorelines board, where applicable for specific applications involving new regulations						

B. Table Summarizing Procedures for Type I through Type V Land Use Actions. For the purposes of this table, the city council, planning commission, hearing examiner, and shoreline board are designated the “hearing body”; “director” shall mean the community development director or the public works director; and “department” shall mean the staff of the community development or public works departments, as specified by the applicable regulations. (The table follows a permit type through the entire code required review process. Generally after a permit type is selected (i.e., II, III, etc.) the steps required follow from top to bottom. Notes, *, and references refer the reader to sections of the table that are related to the particular numbered row they are reading.)

Chapter 11.14

OPEN AND CLOSED RECORD DECISIONS, RECONSIDERATIONS, AND ADMINISTRATIVE AND JUDICIAL APPEALS

Sections:

- [11.14.001](#) General.
- [11.14.002](#) Procedure for closed record decisions and administrative appeals.
- [11.14.003](#) Consolidated administrative appeals.
- [11.14.004](#) Standing to initiate reconsideration petition and administrative appeal.
- [11.14.005](#) Open record administrative appeals.
- [11.14.006](#) Petitions for reconsideration.
- [11.14.007](#) Dismissal of untimely appeals, incomplete appeals, or appeals received from parties without standing.
- [11.14.008](#) Judicial appeals.

11.14.001 General.

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A closed record decision is a proceeding which does not involve an open record public hearing, but instead entails a review and decision based on the record already established before the hearing body. No new evidence may be presented at a closed record decision hearing.

- A. Closed Record Decisions. The city council shall render closed record decisions on Type IVA applications. ~~The hearing examiner shall render closed record decisions on Type IVB applications.~~ The city council may render a closed record decision on Type V legislative actions or it may conduct its own open record public hearing, however, the council is required to conduct an open record public hearing on annexations.
- B. Administrative Appeal of the Director's Decision. The appeal of the director's decision on any Type II project permit application, or a final SEPA threshold determination, shall be subject to an open record public hearing as provided for in BMC 11.04.003 and 11.12.010.

No additional amendments to 11.14

Chapter 11.19 PUBLIC NOTICE

Sections:

- 11.19.001 Public notice framework.
11.19.002 Contents of public notice – Responses to written comments.
11.19.003 Timing of notice of upcoming open record public hearings and closed record reviews and decisions.
11.19.004 Responsibility for providing public notice.
11.19.005 Posting requirements.
11.19.006 Publishing requirements.
11.19.007 Mailing requirements.
11.19.008 Optional public notice.

11.19.001 Public notice framework.

Notice shall be provided in accordance with the following table and other provisions of this chapter.

Procedure (with pertinent action types) (BMC <u>11.19.002</u> , <u>11.19.003</u> , <u>11.19.004</u>)	Posting Requirements (BMC <u>11.19.005</u>)	Publishing Requirements (BMC <u>11.19.006</u>)	Mailing Requirements (BMC <u>11.19.007</u>)	Optional Notice Methods (BMC <u>11.19.008</u>)
Notice of Application (NOA) for Shoreline Master Program permits (Type II or III)	One or more notice boards on the subject property	Publish notice at least once a week on the same day of the week for two weeks in city's official newspaper	Mail notice to applicant; owners and occupants of property within 500 feet of the subject property and agencies with jurisdiction. Secure community transition facilities shall mail notice to owners and occupants of property within one- half mile of the subject property (RCW <u>71.09.315(d)</u>).	Notify public or private groups Notify news media
Other Notices of Application (Type II – IVB, per BMC <u>11.04.003</u>)		Publish at least once in city's official newspaper		Place notices in regional or neighborhood

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Procedure (with pertinent action types) (BMC 11.19.002 , 11.19.003 , 11.19.004)	Posting Requirements (BMC 11.19.005)	Publishing Requirements (BMC 11.19.006)	Mailing Requirements (BMC 11.19.007)	Optional Notice Methods (BMC 11.19.008)
Notice of State Environmental Policy Act (SEPA) Threshold Determination (Types I – V unless exempt from review) (contents and timing per Chapter 14.02 BMC)			Mail notice to all those identified immediately above; and anyone commenting on Notice of Application	newspapers or trade journals Publish notices in agency newsletters or send to agency mailing lists Mail notice to Imagine Bothell... mailing list Mail to neighboring property owners Post notices in public places Record notice on telephone message line Post notice electronically via the Internet Send via e-mail to the Imagine Bothell... e-mail list
Notice of upcoming Open Record Public Hearing (Types III and IVA)			Mail notice to all those identified immediately above and anyone commenting on SEPA Threshold Determination	
Notice of upcoming Open Record Public Hearing (Type V, except annexations per Chapters 35A.14 and 36.93 RCW)			Not applicable	
Notice of upcoming Closed Record Review and Decision (Types IVA and IVB)	Not applicable	Not applicable	Mail notice to applicant; agencies with jurisdiction; and anyone commenting on the Notice of Application or SEPA Threshold Determination or at the public hearing	
Notice of Decision (NOD) (Types II – IVB)	Not applicable	Not applicable	Mail notice to applicant, and all those who commented on the NOA, SEPA, and anyone requesting the Notice of Decision	
Notice of upcoming open record Administrative Appeal hearing (Type II)	One or more notice boards on the subject property or within the affected area	Publish at least once in city’s official newspaper	Mail notice to all those identified immediately above; and owners and occupants of property within 500 feet of subject property	
Notice of upcoming Judicial Appeal hearing	Notification of judicial appeals shall be per Superior Court laws and procedures			

No additional amendments to 11.19

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Chapter 15.10

FINAL PLATS

Sections:

- [15.10.010](#) Type of application.
- [15.10.020](#) Requirements for a complete application.
- [15.10.030](#) Criteria for approval.
- [15.10.040](#) **Director of Public Works Hearing examiner** action.
- [15.10.050](#) Final map recording.
- [15.10.060](#) Final map copies.
- [15.10.070](#) Time frame for submission of final plat.
- [15.10.080](#) Effect of final plat approval.
- [15.10.090](#) Time frame for approval.

15.10.010 Type of application.

A final plat is a Type ~~I~~ ~~IVB~~ application and shall be processed in accordance with the procedures for such applications as set forth in BMC Title [11](#).

15.10.020 Requirements for a complete application.

These requirements are in addition to the minimum application requirements in BMC [11.06.002](#).

- A. Ten copies of construction drawings.
- B. Three paper copies of the final plat together with contents and attachments as listed in application contents listed in subsection C of this section.
- C. Application contents:
 - 1. Final plat on mylar or on materials approved by county recorder and city engineer; 18 inches wide by 24 inches long, with a one-inch blank margin along the top, bottom and right edges, and a two-inch blank margin along the left edge, of each sheet; and having a scale of 100 feet to one inch or larger (preferred scale 50 feet to one inch). The plat must contain:
 - a. Title block, located in lower right hand corner of all sheets, containing:
 - (1) Assessor's parcel number(s);
 - (2) Name and city file number of project;
 - (3) Total number of lots;
 - (4) Total number of common parcels (if applicable);
 - (5) Total project acreage (to the nearest 0.01 acre);
 - (6) Date prepared;
 - (7) Sheet number and number of sheets (if more than one sheet is required);
 - (8) Name, business address and business phone number of licensed land surveyor (company) responsible for preparing the map.
 - b. Certification by a licensed land surveyor or licensed professional civil engineer substantially in the following form:

I hereby certify that this plat of _____ is based upon an actual survey and subdivision of _____, that the courses and distances are shown correctly thereon, that the monuments have been set and the lot and block numbers staked correctly on the ground and that I have fully complied with the provisions of the platting regulations.
 - c. A certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s). If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.
 - d. Certificate of completion of one of the following alternatives:

Draft Proposal – Not a Regulation

- (1) All improvements have been installed in accord with the requirements of these regulations and accepted by the city upon the recommendation of the city engineer as certified by the city clerk;
 - (2) That approved plans are on file with the city engineer for all required utilities and street improvements and a cash or surety bond as provided in Chapter [15.16](#) BMC has been posted with the city clerk and deposited with the city treasurer.
- e. General information:
- (1) North arrow, to be upward facing;
 - (2) Scale, written and graphic, of 100 feet to one inch or larger;
 - (3) Symbols legend;
 - (4) Basis of bearings, tied to primary control points approved by the city of Bothell; if no coordinate system monument exists within a reasonable distance, as determined by the city engineer, a tie to a monument established by the National Geodetic Survey (NGS) shall be shown; coordinate values of any monuments used to establish coordinate ties shall be shown on the final map;
 - (5) The exterior boundary of the subdivision designated by a distinctive border;
 - (6) Reference to adjoining tracts or lots by recorded name, date, volume and page number;
 - (7) Reference to adjoining map sheets (if more than one sheet is required);
 - (8) Adjoining railroads, highways and streets;
 - (9) Existing on-site and off-site easements, denoting locations and dimensions, purpose and nature (public or private), and deed reference;
 - (10) Proposed easements, denoting locations and dimensions, and purpose and nature (public or private);
 - (11) Each lot shown entirely on a single sheet; no lot divided between two sheets;
 - (12) All dimensions in feet, to the hundredths of a foot;
 - (13) Pertinent record data shown in parenthesis or per legend designation (next to measured data);
 - (14) Existing monuments shown along with relevant information (found, set, retagged, or removed);
 - (15) Monuments to be set shown and labeled with relevant information (size, location, type and tag);
 - (16) Reference to additional map sheet(s);
 - (17) Key map, if more than two map sheets are required;
 - (18) Location map, to be located on the first map sheet or the key map, if one is required, and to be oriented in the same direction as the subdivision map;
 - (19) Name of plat.
- f. Street information requirements:
- (1) Approved names;
 - (2) Existing and proposed right-of-way widths;
 - (3) Distance from centerline to edge of right-of-way;
 - (4) Centerline monuments;
 - (5) Distance between centerline monuments;
 - (6) Centerline bearings;
 - (7) Centerline curve data (delta, radius, and length);
 - (8) Right-of-way curve data (delta, radius, and length);
 - (9) Private streets designated as such.
- g. Lot information requirements:
- (1) Lots numbered beginning with the numeral “1” and continuing consecutively without duplication or omission; no circles or other figures shall be placed around lot numbers except for the last number, where such placement shall be optional;
 - (2) Common tracts lettered beginning with “A” and continuing consecutively without duplication or omission; no circles or other figures shall be placed around tract letters except for the last letter, where such placement shall be optional;

Draft Proposal – Not a Regulation

- (3) Lot line dimensions;
 - (4) Lot line bearings;
 - (5) Lot line curve data (delta, radius, length and radial bearings if needed);
 - (6) Lot area in square feet;
 - (7) Survey tie to boundary, for planned unit developments or condominium “footprints”;
 - (8) Building setback lines;
 - (9) Critical area and buffer area boundaries (if applicable);
 - (10) Vehicular access restriction notation (if applicable);
 - (11) Any enhancements or restrictions which were made a condition of approval and which are unique to the project;
 - (12) Lot addresses (as established by the city).
2. Supporting data:
 - a. Preliminary title report (prepared within the most recent three months).
 - b. Computer printout documenting survey closure calculations for the following:
 - (1) Block(s);
 - (2) Lots;
 - (3) Street centerline(s) and right(s)-of-way;
 - (4) Survey ties;
 - (5) Proposed easements, where easement lines are not parallel to property lines.
 - c. Copies of records used to prepare survey including survey notes and work sheets, such as but not limited to deeds, records of survey, filed maps, recorded deeds and easements.
 - d. Project conditions, covenants and restrictions.
 - e. Legal descriptions and drawings depicting all dedications performed by separate instrument (on-site and off-site).
 3. Every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate.
 4. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted any such waiver is effective. Such waiver may be required by the city council as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quit claim deed to the donee or donees, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid.
 5. Plans and profiles of all utilities and street improvements showing approval of the design by the city engineer.

15.10.030 Criteria for approval.

A final plat application shall be approved if the subdivision proposed for approval:

- A. Meets all general requirements for plat approval as set forth in Chapter [15.16](#) BMC, General Requirements for Subdivision Approval;
- B. Substantially conforms to all terms of the preliminary plat approval; and
- C. Meets the requirements of Chapter [58.17](#) RCW, other applicable state laws, this title and any other applicable city ordinances which were in effect at the time of preliminary plat approval.

15.10.040 Director of Public Works Hearing examiner action.

The ~~director of public works hearing examiner~~ shall make written findings of fact relating to his or her decision on the final plat, and if approved, the director of public works, the community development director, the mayor and the city clerk shall inscribe and execute their written approval on the face of the plat.

15.10.050 Final map recording.

Following all inspections and approvals, and after all fees, charges, and assessments due the city resulting from the subdivision development have been paid in full, the city clerk shall record the final plat with the county auditor. The subdivider shall advance the recording fee and shall pay all taxes and assessments required by law. One reproducible copy of the final plat shall be furnished to the city engineer at the expense of the subdivider. One paper copy shall be filed with the county assessor.

15.10.060 Final map copies.

The applicant shall provide an original, one duplicate mylar copy and one paper copy for recording at the office of the county auditor.

15.10.070 Time frame for submission of final plat.

- A. A final plat meeting all requirements of Chapter [58.17](#) RCW and this title shall be submitted to the city for approval within five years of the date of preliminary plat approval; except that through December 31, 2014, such a final plat shall be submitted to the city for approval within seven years of the date of preliminary plat approval.
- B. For nonexpired plats which were approved prior to December 31, 2009, a one-time, automatic extension of one year shall be granted, provided written request is submitted to the city by the applicant prior to the preliminary plat expiration date.

15.10.080 Effect of final plat approval.

Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing; except that through December 31, 2014, any such lots shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under RCW [58.17.150](#)(1) and (3) for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision; except that through December 31, 2014, a subdivision shall be so governed for a period of seven years after final plat approval unless the city council finds such a change in conditions.

15.10.090 Time frame for approval.

Final plats shall be approved, disapproved or returned to the applicant within 30 calendar days after the filing of a complete application, unless the applicant consents to an extension of such time period.

Public Hearing PSRC Comments

Matrix of PSRC Comments Regarding the 2015 *Imagine Bothell...* Comprehensive Plan

Updated June 14, 2017

PSRC Comment		Affected <i>Imagine Bothell...</i> Comprehensive Plan Element	Bothell Comments
Part I Conformity with Growth Management Act Transportation Planning Requirements			
Areas For Further Work			
1	While the Bothell comprehensive plan generally addresses the Growth Management Act and regional planning requirements to accommodate 20 years of population and employment growth consistent with local growth targets (RCW 36. 70A. 115 and .130; MPP-DP-3), the documentation of how the city will meet the 20-year targets should be clearer and more complete. The city should consider revisions to the plan to clearly indicate:	Land Use Element	<p>Documentation of how the City will meet its growth targets is the primary addition identified here. That is a reasonable request and one that can be accommodated within the Land Use Element.</p> <p>After initial discussions with PSRC Staff, the concept to employ is for the City to include within its own Comp Plan a better explanation as to how the City contributes to the overall growth strategy of the Puget Sound Region and the Vision 2040 Plan.</p> <p>This is a fairly straightforward task.</p>
2	(1) adopted targets for housing and employment growth in the city as a whole through to the plan horizon year;		<p>There are two tables within the Land Use Element which convey this information but only in a brief manner and only to the years 2030. PSRC has identified the need for additional text and information and a need to project growth to 2035.</p> <p>Chandler Felt, a King County Demographer, has kindly provided information and methodology as to how to project the City's current projected population and growth year which is now 2030 to 2035. Essentially it is a simple projection of growth current and predicted growth rates.</p> <p>Additional background information and a new table or two together with improved language and explanations are requested.</p>
3	(2) citywide capacity for housing and employment; and		See note above

PSRC Comment		Affected <i>Imagine Bothell...</i> Comprehensive Plan Element	Bothell Comments
4	(3) methodology for extending King County targets to 2035.		<p>See note above (Note: this 'topic' was extensively addressed within the 2010 Plan amendments where the planning designations for the King County PAAs and the Snohomish County MUGAs were established.</p> <p>Documentation from that process should be employed here to partially address this comment.</p> <p>Further, the projection approach identified by Chandler Felt (see above) will also address this topic.</p>
5	<p>VISION 2040 calls for level-of-service standards to be focused on the movement of people and goods instead of only the movement of vehicles (MPP-DP-54), and for concurrency programs to address multimodal transportation options - both in assessment and mitigation (MPP-DP-55). The comprehensive plan includes methodologies for measuring levels of service for transit, bicycling, and pedestrian travel and calls for future work to integrate those concepts into the city's concurrency program. The city should <u>prioritize multimodal concurrency as an action and consider implementation steps, including tailoring concurrency to encourage development and multimodal improvements in the city's activity centers</u>. For more information, see the Department of Commerce's Transportation Element Guidebook (pages 140-160) and PSRC's list of concurrency resources.</p>	Transportation Element	<p>Additional transportation modeling may be needed to address this comment. Though the terminology changes are straight-forward, the multi-modal and split mode transportation understanding may require additional modeling which has budget impacts.</p> <p>Fehr and Peers prepared the modeling for the 2015 Update and it is believed the raw data is likely available for analysis and extraction. However, this may have a budget impact that will have to be evaluated.</p> <p>Additionally, the City has both a Transportation Improvement Program (TIP) and a Capital Improvement Program (CIP). The TIP is on a longer term (6 years) than the CIP (2 years). Data from those programs could assist in addressing this comment.</p> <p>Finally, Planning and Transportation Staff are now going through the Transportation Element Policies, Actions and background data to identify where improvements can be made.</p> <p>The initial analysis indicates that there do exist policies and actions which will partially address these comments.</p>
6	The Growth Management Act (see RCW 36.70A.070(6)) requires that local comprehensive plans include a multiyear transportation financing plan	Transportation Element	Staff is researching the guidebook and related materials and will be seeking assistance and information from Commerce and PSRC.

PSRC Comment		Affected <i>Imagine Bothell...</i> Comprehensive Plan Element	Bothell Comments
	for how the jurisdiction will meet the mobility needs identified for the planning period. While the comprehensive plan addresses this requirement, several revisions are recommended to make the strategy clearer and directive of future actions. First, summary data on estimated project costs and anticipated revenues in tables TR-13 and TR-14 show the same total dollar amounts, which do not match the broad conclusions in accompanying text. These important estimates should be corrected or clarified as appropriate. Second, the reassessment strategy ("funding analysis") on page TR-49 should be clarified and expanded to address more specifically the steps the city could take to close the gap between costs and revenues. These steps could include demand management strategies to reduce the need for or estimated cost of improvements, pursuing new revenues, reducing the level-of service standard, and changes to the land use element to reduce the need for improvements. Further guidance on how to address the financial analysis in the plan can be found in the Department of Commerce's Transportation Element Guidebook. The guidebook discusses finance on pages 202-212.		<p>The 'errors' in Tables TR-13 and TR-14 will be addressed. The broad statements in the summary will be 'pared-down' to reflect more 'realistic' funding realities.</p> <p>The assessment strategy 'gaps' between costs and revenues also needs to be updated to reflect the recent approval of the 'streets and sidewalks' levy</p> <p>It should be noted that the City has:</p> <ul style="list-style-type: none"> • A Transportation Improvement Plan (six-year horizon) and • A Capital Facilities Plan (2-year horizon) <p>Those documents should be referenced better within the Transportation Element. A simplified means of addressing this comment would be to take information from the TIP and CIP within which financing and revenues are discussed in more detail and place that language within the Transportation Element.</p>
Part II Consistency with Regional Plans and Policies			
Areas For Further Work			
Environment			
7	The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on the environment.		No changes needed
Development Patterns – Including Regional Growth Strategy			
8	VISION 2040 calls for plans to promote the physical, social, and mental well-being and health of residents. The comprehensive plan addresses several aspects of public health, in particular policies LU-P 19 through LU-P21 and components of the transportation element that aim to improve the city's bicycle and pedestrian infrastructure. The city should consider furthering public health with additional policies and actions, such	Land Use Element Transportation Element Housing and Human Services Element	<p>The City has almost completed a 'new' pedestrian route plan and is now working on a 'new' bicycle route plan. Those plans will be completed late 2017 or early 2018.</p> <p>Further, the 'Human Services' portion of the Housing and Human Services Element contains several</p>

PSRC Comment		Affected <i>Imagine Bothell...</i> Comprehensive Plan Element	Bothell Comments
	as access to healthy food, healthy housing, and coordination with public health agencies.		<p>policies that address how the City will address these populations.</p> <p>It is possible that some additional Policies will be needed within the Housing and Human Services Element to fully address this comment.</p>
9	<p>Both Canyon Park and downtown Bothell have important roles to play in accommodating future growth through compact mixed-use and transit-oriented development. As noted above, the plan currently includes provisions that recognize and support this role. However, the city should strengthen its treatment of centers with additional text, mapping, policies, and actions. In particular, the city should ensure that the plan supports the role and success of the Canyon Park regional growth center, including addressing in the land use element and subarea plan section several of the planning expectations for centers called for in VISION 2040, including:</p> <p>Clearly display the boundaries of the regional growth center on the future land use map.</p>		<p>The City is currently embarking upon a major update to the Canyon Park Regional Growth Center Update which is an important focus for 2017 and 2018.</p> <p>PSRC Staff has been invited and PSRC Staff has accepted participation in the Canyon Park RGC Update.</p> <p>The Canyon Park RGC boundaries are marked on the City's Future Land Use Map (Figure LU-3). Perhaps some map reading skills are needed at PSRC.</p>
10	<ul style="list-style-type: none"> MPP-DP-3 calls for jurisdictions with designated regional growth centers to establish housing and employment targets for these areas. PSRC recently produced additional guidance about setting center targets that the city may find helpful in this work. 	Canyon Park Subarea Plan	See Comment above
11	<ul style="list-style-type: none"> As called for in VISION 2040 (DP-Action-18), the city should include mode split goals for the regional growth center. PSRC recently produced additional guidance about setting mode split goals that the city may find helpful in this work. 	Canyon Park Subarea Plan	<p>'Mode Split Modes' are a quantitative policy statement used to plan for and encourage multiple kinds of travel modes (switching from driving in an automobile to transit, walking, biking, skiing, etc.).</p> <p>These mode-splits quantify the number of individuals 'planned' to use alternative modes, such as transit and non-motorized travel options like walking and biking.</p> <p>This is also an area where the City may need to use the services of Fehr and Peers to model or predict these split modes.</p>

PSRC Comment		Affected <i>Imagine Bothell...</i> Comprehensive Plan Element	Bothell Comments
			<p>If there is a budget impact this may require a budget amendment.</p> <p>See comment above</p>
12	<ul style="list-style-type: none"> The Action ED-A33, which addresses the subarea planning needs for the regional center, should be implemented in the near term. VISION 2040 includes an action for jurisdictions with regional centers to develop subarea plans (DP-Action-17), and PSRC will be certifying center plans for consistency with regional policies and procedures. The City of Bothell has included a plan element that addresses the Canyon Park Regional Growth Center, but the additional subarea planning proposed will help the city both achieve its vision for the area as well as address regional center expectations in the center plan checklist. 		<p>The City is now embarking upon a multi-year effort to update the planning document for the Canyon Park Regional Growth Center (CCRGC).</p> <p>Recently, the Consultant firm of Community Attributes was selected to submit a Scope of Work to lead a Phase 1 effort to conduct stakeholder outreach and establish an overall vision for the area.</p> <p>During this effort it is hoped the budget will support some transportation support for the Regional Growth Center (staff is 'data mining' now).</p> <p>This effort should provide the types of responses PSRC is seeking within this comment.</p>
Environment			
13	The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on the environment.	No action necessary	
Housing			
14	<ul style="list-style-type: none"> The Growth Management Act (RCW 36.70A.070) requires local housing elements to include a comprehensive housing needs assessment. The housing element would be more effective and more transparent by including a summary of the findings of the housing needs assessment produced for the city by A Regional Coalition for Housing. The housing element should also clearly state the countywide planning framework for local housing elements, which includes the housing growth target and goals for equitably addressing affordable housing needs. 	Housing and Human Services Element	<p>Staff will coordinate with ARCH regarding this item</p> <p>This appears pretty straightforward:</p> <ul style="list-style-type: none"> Include a summary of the completed housing needs assessment Include discussion regarding the County-wide Framework for the Housing Element Include the housing growth targets (from the Land Use Element) and include goals for affordable housing needs (this should wait for the completion of the Housing Strategy)
15	<ul style="list-style-type: none"> The multicounty planning policies call for the use of innovative techniques and public-private partnerships to meet the housing needs of the region's households at all income levels. Policy HH-PI7 calls for the city to explore options for creating incentives for private 	Housing and Human Services Element	<p>A effort of the 2017 Work Program is an update to the City's Housing Strategy (2017)</p> <ul style="list-style-type: none"> Incentive and/or inclusionary zoning provisions to increase affordable housing supply will likely be part

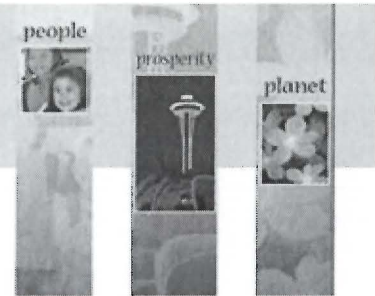
PSRC Comment		Affected <i>Imagine Bothell...</i> Comprehensive Plan Element	Bothell Comments
	developers to provide affordable housing in the community. Many jurisdictions in the region have adopted, or are considering, incentive or inclusionary zoning provisions and other related tools to increase the affordable housing supply. The city should consider advancing this policy with further work in the short- to medium-term, with amendments to the comprehensive plan as needed.		of the Housing Strategy. Whether this is a short term strategy or a long-term strategy will be part of the update. • Plan amendments may be identified as part of the housing strategy
16	• Policy HH-P40 commits the city to adopting and periodically updating a housing strategy. Given the depth and breadth of identified needs in the community and region, the city is encouraged to update the most recent housing strategy as a short-term priority. Further discussion would also be helpful in the plan on the relationship between the housing strategy and comprehensive plan goals and policies	Housing and Human Services Element	A major effort within the 2017 Work Program is an update of the City's Housing Strategy (2017)
Economy			
17	The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on economic development.		No changes needed
Transportation			
18	The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on transportation (see comments addressing Growth Management Act transportation planning requirements on page 3 of this report).		No changes needed
Public Services			
19	The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on public services.		No changes needed
Conclusion			
20	PSRC staff thanks the city for working through the plan review process. Staff review found that the city has completed the necessary requirements in the update for plan certification. PSRC is available to provide assistance for future plan updates, and additional	Bothell Staff will coordinate with PSRC Staff in the coming weeks	Thank you

PSRC Comment		Affected <i>Imagine Bothell...</i> Comprehensive Plan Element	Bothell Comments
	planning resources can also be found at http://www.psrc.org/growth/planreview/resources/ If the city has questions or needs additional information, please contact Michael Hubner at 206- 971-3289 or mhubner@psrc.org.		

PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION

CITY OF BOTHELL COMPREHENSIVE PLAN

October 29, 2015



BACKGROUND

The Washington State Growth Management Act calls for coordination between local, regional, and state planning efforts. To advance this coordination, state law requires PSRC to certify that regional transit plans, countywide planning policies, and local comprehensive plans within the central Puget Sound region conform to: (1) established regional guidelines and principles, (2) the adopted long-range regional transportation plan, and (3) transportation planning requirements in the Growth Management Act. Within the central Puget Sound region, the multicounty planning policies in VISION 2040 have been established as the regional guidelines and principles under Revised Code of Washington (RCW) 47.80.026. Certification of local comprehensive plans is also a requirement for jurisdictions and agencies that intend to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program, regardless of funding source.

Within the central Puget Sound region, local governments and PSRC have worked together to develop an overall process (Adopted Policy and Plan Review Process, Revised September 2003) for reviewing and certifying local, countywide, regional, and transit agency policies and plans.¹ This process also provides an opportunity to coordinate and share information related to local and regional planning. A set of materials, compiled in a Plan Review Manual, provides details on the review and certification process, background, and framework. The manual also provides guidance and checklists for aligning plans and policies with VISION 2040, Transportation 2040, and Growth Management Act requirements.

DISCUSSION

This report summarizes the findings and recommendations regarding the periodic update to the comprehensive plan for the City of Bothell, adopted by the city on July 7, 2015. PSRC last certified the Bothell comprehensive plan in March 2011. PSRC staff reviewed the comprehensive plan and coordinated with city staff in the development of this report.

CERTIFICATION RECOMMENDATION

Based on the review of the City of Bothell comprehensive plan, the following action is recommended to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board:

The Puget Sound Regional Council certifies that the transportation-related provisions in the City of Bothell comprehensive plan conform to the Growth Management Act and are consistent with multicounty planning policies and the regional transportation plan.

The remainder of this report contains a summary of the PSRC review of the City of Bothell comprehensive plan update. Under each heading, the scope of the certification review, as guided by the Plan Review Manual and Local Comprehensive Plan Checklist, is listed in high level bullets. Discussion in each topic area highlights

¹ The certification requirement in the Growth Management Act is described in RCW 47.80. The specific requirements for transportation elements in local comprehensive plans are spelled out in RCW 36.70A.070. PSRC's Interlocal Agreement, Section VII, also provides direction for the review of local comprehensive plans and countywide policies (Resolution A-91-01, amended March 1998). The Council's Executive Board last updated its process for Policy and Plan Review in September 2003. The process is also described in VISION 2040, Part IV: Implementation.

exemplary provisions of the plan, as well as issues identified through the certification review where future work on the city's part is needed to more fully address VISION 2040, Transportation 2040, and Growth Management Act planning requirements.

Part I: Conformity with Growth Management Act Transportation Planning Requirements

SCOPE OF REVIEW

The Growth Management Act (RCW 36.70A.070(6)) includes several requirements related to transportation elements in local comprehensive plans. These requirements are summarized as follows:

Land use assumptions and forecasts of travel demand that are internally consistent and consistent with growth targets.

Service and facility needs, including inventories of existing facilities, and level-of-service standards and concurrency provisions that address multiple modes of travel, planned land uses and densities, and state highways.

Financing and investments, including a multiyear financing plan and reassessment strategy to address potential funding shortfalls.

Intergovernmental coordination with neighboring cities, counties, and regional and state agencies.

Demand management, including programs to implement the Commute Trip Reduction Act.

Pedestrian and bicycle planning, including project funding and capital investments, education, and safety.

Land uses adjacent to airports, identifying relevant facilities, existing and planned uses, and policies that discourage incompatible uses.

Air quality is largely an interjurisdictional issue in which each jurisdiction's travel behaviors, measured through vehicle emissions, affect the regional airshed. The Washington Administrative Code (WAC) requires local transportation elements and plans to include "policies and provisions that promote the reduction of criteria pollutants" for mobile sources (WAC 173-420-080). When PSRC reviews plans, it also certifies that the comprehensive plans include air quality policies and provisions, including a commitment to meeting the requirements of applicable federal and state air quality legislation.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the transportation planning requirements of the Growth Management Act and includes adequate air quality policies and provisions. Highlights include:

- ☑ The plan includes complete and comprehensive inventories of existing and planned facilities for auto, transit, bicycle, and pedestrian travel. The text and maps are highly readable. Projects in the regional transportation improvement program are clearly indicated.
- ☑ Context for and history of coordination with other agencies and jurisdictions on transportation described on pages TR-5 to TR-9 is thorough and provides a foundation for policy TR-P1 and actions TR-A1 through TR-A10.
- ☑ Policies TR-P25 to TR-P28 and implementing actions address various aspects of transportation demand management, including support for a strong Commute Trip Reduction program, land use patterns, and coordination with other agencies' transportation demand management efforts.
- ☑ The plan includes a number of policies that promote bicycle and pedestrian travel through strategic investments and programs. These include prioritizing nonmotorized access to key destinations, including bicycle access to schools (TR-P32) and centers (TR-P30) and complete pedestrian networks serving transit stops and activity centers (TR-P44).

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans (see comments addressing consistency with regional guidelines and principles on transportation and Transportation 2040 on page 8):

- While the Bothell comprehensive plan generally addresses the Growth Management Act and regional planning requirements to accommodate 20 years of population and employment growth consistent with local growth targets (RCW 36.70A.115 and .130; MPP-DP-3), the documentation of how the city will meet the 20-year targets should be clearer and more complete. The city should consider revisions to the plan to clearly indicate: (1) adopted targets for housing and employment growth in the city as a whole through to the plan horizon year, (2) citywide capacity for housing and employment, and (3) methodology for extending King County targets to 2035. PSRC staff is available to provide technical assistance.
- VISION 2040 calls for level-of-service standards to be focused on the movement of people and goods instead of only the movement of vehicles (MPP-DP-54), and for concurrency programs to address multimodal transportation options – both in assessment and mitigation (MPP-DP-55). The comprehensive plan includes methodologies for measuring levels of service for transit, bicycling, and pedestrian travel and calls for future work to integrate those concepts into the city’s concurrency program. The city should prioritize multimodal concurrency as an action and consider implementation steps, including tailoring concurrency to encourage development and multimodal improvements in the city’s activity centers. For more information, see the Department of Commerce’s Transportation Element Guidebook (pages 140-160) and PSRC’s list of concurrency resources.
- The Growth Management Act (see RCW 36.70A.070(6)) requires that local comprehensive plans include a multiyear transportation financing plan for how the jurisdiction will meet the mobility needs identified for the planning period. While the comprehensive plan addresses this requirement, several revisions are recommended to make the strategy clearer and directive of future actions. First, summary data on estimated project costs and anticipated revenues in tables TR-13 and TR-14 show the same total dollar amounts, which do not match the broad conclusions in accompanying text. These important estimates should be corrected or clarified as appropriate. Second, the reassessment strategy (“funding analysis”) on page TR-49 should be clarified and expanded to address more specifically the steps the city could take to close the gap between costs and revenues. These steps could include demand management strategies to reduce the need for or estimated cost of improvements, pursuing new revenues, reducing the level-of-service standard, and changes to the land use element to reduce the need for improvements. Further guidance on how to address the financial analysis in the plan can be found in the Department of Commerce’s Transportation Element Guidebook. The guidebook discusses finance on pages 202-212.

Part II: Consistency with Regional Plans and Policies

OVERVIEW

This section discusses consistency with the adopted multicounty planning policies (established regional guidelines and principles under RCW 47.80.026) adopted in VISION 2040, and Transportation 2040, the region’s long-range transportation plan. In addition to the multicounty planning policies, VISION 2040 contains a Regional Growth Strategy with a preferred distribution of the region’s residential and employment growth, as well as a number of implementation actions for local governments to carry out. Each policy area addressed in VISION 2040 is discussed in turn below.

VISION 2040 Context Statement

VISION 2040 calls for local plans to include a context statement that describes how the comprehensive plan addresses regional policies and provisions adopted in VISION 2040. The plan includes a comprehensive VISION

2040 statement in the land use element, and the transportation element describes the ways in which the comprehensive plan responds to Transportation 2040 and the Growing Transit Communities Strategy.

Environment

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following environmental policy topics:

Stewardship, including addressing the natural environment throughout the plan, decisions based on best-available science, and regional environmental initiatives.

Earth and habitat, including open space protection, restoration and protection of native vegetation, and coordination with adjacent jurisdictions.

Water quality, including actions that maintain hydrologic functions and reduce water pollution in ecosystems, watersheds, shorelines, and estuaries.

Air quality and climate change, addressing federal and state laws, reduction of pollutants, Puget Sound Clean Air Agency policies, and reduction of greenhouse gas emissions and adaptation to climate change.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the environmental policy topics in VISION 2040. Highlights include:

- ☑ The plan includes a natural environment element with a comprehensive set of policies addressing all major environmental topics. The plan also includes as an element the adopted shoreline master plan.
- ☑ The plan includes strong policies on water quality and habitat protection. NE-P14 promotes efforts to reduce pollution in major rivers and streams. NE-P25 encourages the adoption of low impact development approaches as a means to improve water quality and natural habitat, especially for protected fish species.
- ☑ The plan promotes the retention and expansion of protected open spaces. Action NE-A5 specifically calls for continuing collaboration with other agencies and non-governmental partners to acquire open space.
- ☑ The plan includes a comprehensive set of policies and actions that address climate change. Policies NE-P43 and NE-P44 call for a number of steps to curb greenhouse gas emissions, such as encouraging compact development, urban forests, green building practices, and adoption of energy efficient technologies in the building and transportation sectors. Policy NE-P53 calls for steps the city can take to adapt to climate change impacts, including improving resiliency of public infrastructure.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on the environment.

Development Patterns—including the Regional Growth Strategy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following development patterns policy topics:

Urban areas, including targets for housing and employment growth, compact communities that support transit and walking, and provisions for redevelopment of underused land.

Centers, including planning for one or more central places as locations for compact, mixed-use development, with policies that prioritize funding to centers to advance development.

Unincorporated urban areas, including policies that advance annexation and orderly transition of governance.

Resource lands, including identification of steps to limit development.

Regional design, addressing local provisions that apply the Transportation 2040 Physical Design Guidelines, energy efficient building, historic preservation, and enhanced sense of community.

Health and active living, addressing healthy environment, physical activity and well-being, and safety.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the development patterns policies in VISION 2040. Highlights include:

- ☑ Multicounty planning policies, including DP-5, DP-11, and others, call for concentrating future growth within regionally and locally designated centers. The comprehensive plan includes policies that support this vision within Bothell's several activity centers, most prominently downtown Bothell and Canyon Park, which is a designated regional growth center. Notable are policies in the economic development element, such as ED-P3 and ED-P25, supporting public and private investments and strategies to attract dense mixed-use development to the centers, and goal TR-G8, which prioritizes investing in transportation infrastructure that serves the city's central places.
- ☑ LU-P22 directs the city to explore options for designating receiving areas for transfer of development rights credits from rural lands in unincorporated Snohomish County. This policy direction highlights the city's commitment to cross-jurisdiction collaboration and environmental conservation.
- ☑ The plan includes an urban design element that addresses many of the topics and recommendations expressed in the Physical Design Guidelines in Transportation 2040 and the multicounty planning policies on regional design.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- VISION 2040 calls for plans to promote the physical, social, and mental well-being and health of residents. The comprehensive plan addresses several aspects of public health, in particular policies LU-P19 through LU-P21 and components of the transportation element that aim to improve the city's bicycle and pedestrian infrastructure. The city should consider furthering public health with additional policies and actions, such as access to healthy food, healthy housing, and coordination with public health agencies.
- Both Canyon Park and downtown Bothell have important roles to play in accommodating future growth through compact mixed-use and transit-oriented development. As noted above, the plan currently includes provisions that recognize and support this role. However, the city should strengthen its treatment of centers with additional text, mapping, policies, and actions. In particular, the city should ensure that the plan supports the role and success of the Canyon Park regional growth center, including addressing in the land use element and subarea plan section several of the planning expectations for centers called for in VISION 2040, including:
 - Clearly display the boundaries of the regional growth center on the future land use map.
 - MPP-DP-3 calls for jurisdictions with designated regional growth centers to establish housing and employment targets for these areas. PSRC recently produced additional guidance about setting center targets that the city may find helpful in this work.
 - As called for in VISION 2040 (DP-Action-18), the city should include mode split goals for the regional growth center. PSRC recently produced additional guidance about setting mode split goals that the city may find helpful in this work.
 - The Action ED-A33, which addresses the subarea planning needs for the regional center, should be implemented in the near term. VISION 2040 includes an action for jurisdictions with regional centers to develop subarea plans (DP-Action-17), and PSRC will be certifying center plans for consistency

with regional policies and procedures. The City of Bothell has included a plan element that addresses the Canyon Park Regional Growth Center, but the additional subarea planning proposed will help the city both achieve its vision for the area as well as address regional center expectations in the center plan checklist.

Housing

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following housing policy topics:

Increased housing production opportunities, including diverse types and styles for all income levels and demographic groups.

Affordable housing needs, including an assessment of existing and future housing needs based on regional and local factors, including household income, demographics, special needs populations, and adequacy of existing housing stocks.

Regional housing objectives in VISION 2040, including promotion of housing diversity and affordability, jobs-housing balance, housing in centers, and flexible standards and innovative techniques.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the housing policies in VISION 2040. Highlights include:

- ☒ Housing policies are presented in a plan element that combines housing and human services issues in a coordinated fashion. This is an innovative approach that is effective in highlighting and addressing a broader spectrum of linked community needs and services.
- ☒ The plan promotes housing diversity, including actions to encourage more affordable housing types in existing neighborhoods, such as small-lot single family homes (HH-A6) and innovative housing types (HH-A7).
- ☒ Policy HH-P15 prioritizes centers and other locations with high levels of transit service and multimodal accessibility for efforts to produce and preserve affordable housing.

DISCUSSION: AREAS FOR FURTHER WORK

The city should address the following comments at the earliest opportunity through future amendments to the comprehensive plan, subarea plans, or functional plans:

- ☐ The Growth Management Act (RCW 36.70A.070) requires local housing elements to include a comprehensive housing needs assessment. The housing element would be more effective and more transparent by including a summary of the findings of the housing needs assessment produced for the city by A Regional Coalition for Housing. The housing element should also clearly state the countywide planning framework for local housing elements, which includes the housing growth target and goals for equitably addressing affordable housing needs.
- ☐ The multicounty planning policies call for the use of innovative techniques and public-private partnerships to meet the housing needs of the region's households at all income levels. Policy HH-P17 calls for the city to explore options for creating incentives for private developers to provide affordable housing in the community. Many jurisdictions in the region have adopted, or are considering, incentive or inclusionary zoning provisions and other related tools to increase the affordable housing supply. The city should consider advancing this policy with further work in the short- to medium-term, with amendments to the comprehensive plan as needed.
- ☐ Policy HH-P40 commits the city to adopting and periodically updating a housing strategy. Given the depth and breadth of identified needs in the community and region, the city is encouraged to update the most recent housing strategy as a short term priority. Further discussion would also be helpful in the plan on the relationship between the housing strategy and comprehensive plan goals and policies.

Economy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following economic development policy topics:

Include an **economic development element** that addresses business, people, and places.

Retention and recruitment efforts that support family wage jobs, industry clusters that export goods and services, and small businesses that are locally owned.

Equitable benefits and impacts, including provisions and programs that promote economic vitality in distressed areas or areas with disadvantaged populations.

Adequate housing growth in centers through collaboration with the private sector and through the provision of infrastructure.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the economy policies in VISION 2040. Highlights include:

- ☑ The plan contains an economic development element that promotes private investment and opportunities in the community with policies and actions that are consistent with and reinforce the land use plan for Bothell. Notable is discussion on pages ED-3 to ED-5 which highlights opportunities for investment and economic activity within distinct subareas of the city.
- ☑ Policy ED-P3 promotes public and private initiatives and identifies project locations for potential catalyst development.
- ☑ Action ED-A33 addresses the subarea planning needs for the Canyon Park regional growth center, including infrastructure improvements, land use, and outreach and incentives geared toward potential private partners.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on economic development.

Transportation

SCOPE OF REVIEW

VISION 2040 and Transportation 2040 call for local comprehensive plans to address the following transportation policy topics:

Maintenance, management, and safety, including clean transportation with reductions in pollution and greenhouse gas emissions, environmental factors, health and safety, stable and predictable funding sources, system and demand management strategies, and security and emergency response.

Support for the Regional Growth Strategy, including system improvements that align with planned growth, prioritized investments that support compact development in centers, joint- and mixed-use development, complete streets and improvements to promote biking and walking, and context-sensitive design.

Improved transportation options and mobility, including alternatives to driving alone, facilities and services for special needs transportation, avoidance of new or expanded facilities in rural areas, and financing methods.

Linking land use and transportation, including integrating Transportation 2040 physical design guidelines in planning for centers and transit station areas, and land development tools that promote transportation alternatives.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the major transportation emphases in VISION 2040 and Transportation 2040. Highlights include:

- ☑ MPP-T-5 through -7 call for local and regional efforts to promote “clean” transportation. The comprehensive plan promotes environmentally friendly transportation investments that include policies and actions to reduce greenhouse gas emissions associated with transportation. Policies on water quality seek to limit impacts from stormwater runoff from public and private sector uses, including roads.
- ☑ The transportation element clearly documents the data and assumptions used in modeling future demand for transportation infrastructure in the community. These assumptions are more than adequate to meet the requirements of the Growth Management Act and VISION 2040.
- ☑ Planned bicycle and pedestrian facilities are clearly described in both the transportation element and, where applicable, subarea plan elements of the comprehensive plan.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on transportation (see comments addressing Growth Management Act transportation planning requirements on page 3 of this report).

Public Services

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following public services policy topics:

- Promote more efficient use of existing services**, such as waste management, energy, and water supply, through conservation--including demand management programs and strategies.
- Promote renewable energy and alternative energy sources.**
- Plan for long-term water needs**, including conservation, reclamation and reuse.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the public services provisions of VISION 2040. Highlights include:

- ☑ Plan elements covering capital facilities, utilities, and parks and recreation provide comprehensive background on the multi-agency coordination that supports provision of essential public services. The plan provides a sound basis for continued work within the city and with external partners to ensure that planned facilities meet projected future needs consistent with growth assumptions in the comprehensive plan.
- ☑ The multicounty planning policies call for steps to ensure improved efficiency and conservation of public resources, such as water, energy, and solid waste capacity. The comprehensive plan addresses these issues in NE-P47 through NE-P49 that direct the city to work with other agencies and the public to achieve greater conservation of resources through water use efficiencies, recycling and composting, and greater reliance on sustainable energy sources.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for further work needed to better align the plan with regional guidelines and principles on public services.

Conclusion

PSRC staff thanks the city for working through the plan review process. Staff review found that the city has completed the necessary requirements in the update for plan certification. PSRC is available to provide assistance for future plan updates, and additional planning resources can also be found at <http://www.psrc.org/growth/planreview/resources/>. If the city has questions or needs additional information, please contact Michael Hubner at 206-971-3289 or mhubner@psrc.org.